

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-525-RJC-DCK**

**NOVA WILDCAT ASHLAND, LLC d/b/a)
ASHLAND LLC,)**

Plaintiff,)

v.)

TRUTH HARDWARE CORPORATION,)

Defendant.)

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of this case.

The parties filed a “Joint Status Report On The Conclusion Of The Reexamination Proceedings” on November 13, 2013. (Document No. 36). That “Joint Status Report...” stated that the reexamination proceedings had fully and finally concluded and that the case was ripe to resume active status. Id. However, the “Joint Status Report...” also requested additional time for the parties to conduct additional settlement discussions in light of the conclusion of the reexamination proceedings. Id.

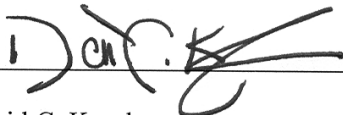
On January 24, 2014, the parties filed their “Joint Proposed Schedule To Govern The Continuation Of The Case” (Document No. 42). The parties’ “Joint Proposed Schedule...” indicates that the parties are now ready to proceed with the case, after the Court lifts the Stay and enters a revised scheduling order.

Based on the foregoing, it appears that the U.S. Patent & Trademark Office’s reexamination of the patent-in-suit, which was the reason for the Stay, is now complete.

Moreover, it appears that the parties' attempts to settle this matter are, at least for time being, at an impasse. As such, the undersigned finds good cause to lift the Stay of this matter issued on October 16, 2012. See (Document No. 30).

IT IS, THEREFORE, ORDERED that the Stay of this case is hereby Lifted.

Signed: February 25, 2014



David C. Keesler
United States Magistrate Judge

